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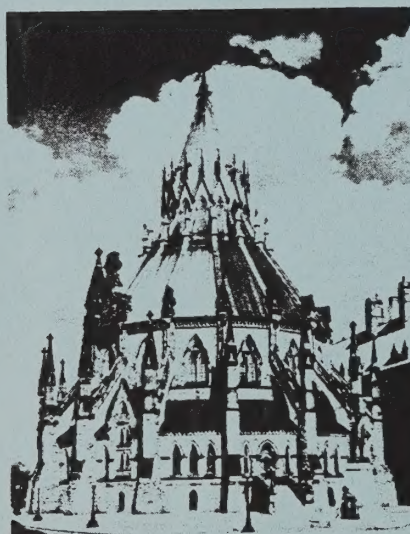
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THE ROLE AND FUNCTION OF A  
MEMBER OF THE HOUSE OF COMMONS

Brian Creamer  
A. Wright

Research Branch  
Ottawa

April 1985



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A BACKGROUND PAPER FOR PARLIAMENTARIANS



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THE ROLE AND FUNCTION OF A MEMBER OF THE HOUSE OF COMMONS

INTRODUCTION

This paper outlines the main functions of a Member of Parliament: his representative, legislative, surveillance and legitimization roles. The paper considers each of these from a theoretical standpoint and the practical means by which Members perform these functions.

The term "Member of Parliament" may apply to both Commoners and Senators but here is employed in its more colloquial sense to denote a member of the House of Commons.

REPRESENTATIVE FUNCTION

The most obvious task of the Member of Parliament is to represent his constituents. Each Member represents one of the 282 constituencies comprising the House of Commons.

It is uncertain whether, as a representative, an MP ought ideally to interpret, and, ultimately, mold public opinion, or whether his purpose is rather merely to relay his constituents' views to those in positions of authority. Proponents of the latter more conservative "delegate" approach - maintain that sovereignty is best exercised, to the extent practical, by those in whom it ultimately resides (the people).

Yet, notwithstanding its appeal to democratic purists, the delegate conception of the MP's representative function is inadequate for a number of reasons: It denies the "plural" nature of Canadian society. Most constituencies are socially, politically and economically mixed, so that

MPs are frequently elected with less than an absolute majority of the votes of their electors. Given the many concerns with which MPs must deal - often urgently - it is impossible for them to return to their constituents for a plebiscite on every issue. The delegate approach assumes that Parliament is nothing more than the sum of its parts - a forum for warring local factions - and the national good, by extension, a mere amalgamation of factional interests.

Although the issue has yet to be resolved, it would not be presumptuous to suggest that many MPs believe they ought not only to respond to public opinion but to interpret and mold it. Former Nova Scotia Premier and Leader of the official Opposition, Robert Stanfield, once suggested that MPs need to "be ahead of public opinion in some respect."<sup>(1)</sup> Many MPs maintain that it is not only their right, but more importantly, their moral obligation to provide leadership in the face of changing public opinion. Indeed, denied this leadership role, MPs are reduced to the level of sheer political opportunism - a state which sacrifices both the individual's moral integrity as well as the overall dignity of Parliament. Thus, generally, MPs look beyond the myopic concerns of locality and region towards the larger national interest. As a result, the Parliament they collectively serve becomes more than a sum of its parts. The English philosopher Edmund Burke wrote:

... Parliament is a deliberate assembly of one nation, with one interest, that of the whole; where, not local purpose, not local prejudices ought to guide but the general good, resulting from the general reason of the whole.<sup>(2)</sup>

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(1) Robert Stanfield, "The Opportunities and Frustrations of Back-benchers", address delivered to the 6th Seminar of the Commonwealth Parliamentary Association, November 1980.

(2) Edmund Burke, The Works of the Right Honourable Edmund Burke, Henry Rogers, ed., Vol. 1, Samuel Holdsworth, London, 1842, p. 180.



The Member of Parliament represents his constituents in many ways. He represents their views in the House of Commons and suggests policy initiatives on their behalf. By partaking in the legislative process, MPs give constituents at least an indirect role in the shaping of important policies affecting their lives. They may make a short statement on any topic under Standing Order 21 at the start of the day's business. MPs might also raise matters during Question Period in the hope of influencing a Minister to alter or initiate policies more in keeping with the views of voters. Members may also appeal to Ministers either by letter or more directly.

The Member of Parliament may also move adoption of a Private Member's Bill during the time allotted to Private Members' business. Although a public bill, a Private Member's Bill is sponsored by a Private Member, and is not part of the government's proposed legislative package. Private Members' Bills rarely survive but, nevertheless, provide the Member with a chance to air his views and encourage legislative action by the government. Individual Members may also seek to raise a notice of motion both to provoke debate on general government policy and to explain the views of constituents.

Another important forum where Members may perform their representative role is a Commons Standing Committee, to which bills are normally referred following Second Reading in the House. In Committee, where membership is kept deliberately small and procedural rules relaxed, Members may speak freely and frequently, questioning witnesses (including departmental officials and Ministers) in the ultimate hope of influencing eventual government policy.

MPs may also seek to influence the members of their own party to adopt specific attitudes and policy proposals along the lines of those advocated by electors. Apart from casual exchanges among members of the same party, such intra-party persuasion normally finds expression in the party's caucus. Assembled privately, Members may attempt to influence their party's stance towards specific issues in directions that reflect favourably upon themselves and, by extension, their constituents. In addition, Members

from the same province or region may band together to form a common front, or regional caucus, with the intent of more effectively articulating regional concerns. Conversely, MPs may attempt to influence party stances on issues by more public means. MPs appreciate publicity and reporters cultivate politicians in a search for news hence the two are natural allies. The astute MP can turn this uneasy relationship to advantage in the interests of his voters and his party.

Another important aspect of the Member's representative role is his "ombudsman" function. Faced with problems involving the federal government and its departments constituents often appeal to their MPs. It's a rare parliamentary day that a conscientious member does not get phone calls and at least a score of letters from electors with UIC, welfare, farming, legal, pension, immigration or financial problems they want him to take up with bureaucrats or ministers. An MP's mediation can often produce results or trim the red tape.

To the argument that an MP is unlike many of his or her constituents and so cannot truly represent them, Van Loon and Whittington reply:

... it is not necessary to be the mirror image of people ... to be a good representative. ... being a good representative is a learned skill which, in theory at least, may be unconnected with social background.(1)

Any realistic assessment of the representative role of the Member of Parliament must take account, however, of partisan considerations. Since many MPs owe their electoral success to their political parties, "party politics" may occasionally dictate the sacrifice of constituents' concerns. For their part, Members view the party both as a means of promoting shared policy objectives and of mobilizing mass support at elections. The party provides the financial and administrative machinery

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(1) R. Van Loon and M. Whittington, The Canadian Political System, Toronto, McGraw-Hill Ryerson, 2nd edit., 1976, p. 321.



to help the MP's re-election. In Canada the party expects loyalty and has a way of leaving mavericks twisting in the wind.

Of course the effectiveness of MPs in representing their constituents depends to a considerable degree on the position they occupy in the House. Cabinet Ministers, as Members of the Executive, are best placed to ensure that the interests of their constituents are duly considered in the formation of government policy.

Removed from the process of policymaking, the ordinary MP must vie for input into central decision-making with the bureaucracy, interest groups and other MPs. His voice is therefore often only one among many. Nor has he the resources available to Ministers anxious to press their views.

Paradoxically, it can be argued that opposition MPs are freer to represent their constituents than government backbenchers. Because governments must often make unpopular decisions, the governing party's need to appear united is normally more acute than that of its opposition counterparts. If the party in power can maintain the appearance of solidarity, it will be more successful in convincing the public that the decisions it has taken - however unpopular - are the right ones. The range of issues on which government Members choose to speak out and the extent to which they make their voices heard, may be limited somewhat by their career aspirations.

## LEGISLATIVE FUNCTION

Ordinary MPs perform only an indirect role in the legislative process. Whereas in its heyday Parliament was once the primary source of legislative initiative, today the legislative role of Parliament and its Members is, for the most part, not to formulate but to refine policy.

The onus of legislating is largely borne by the government, but however strong it may be it depends on the votes of its supporters. Even the most loyal resent being taken for granted and, on controversial, emotional issues, may show it by abstaining. Moreover, MPs may attempt to effect changes in proposed legislation through the barter of their voting support. In a minority government situation, this bargaining leverage may be considerable.

Members of Parliament also may exert direct influence over legislation in House Committees. The study of departmental estimates, for example, gives them the chance to criticize and possibly alter appropriation projections. Committee rules empower Members to accede to, revise downward, or even deny the government's appropriation demands outright, thus making potential legislators of committee members. This potential influence over government spending policy is acknowledged in the familiar dictum respecting parliamentary "control of the purse strings."

Apart from the examination of departmental estimates, Members may also exert direct influence over legislation in committee during the normal detailed scrutiny of a bill following Second Reading. During a bill's study by a committee, an MP may attempt to convince his fellow committee members of the desirability of certain changes in view of what he or she perceives to be inconsistencies or possible oversights in the proposed legislation.

Perhaps the most direct means by which an MP may "legislate" is by sponsoring a Private Member's bill. The four weekly hours allotted to the consideration of Private Members' legislation afford individual MPs the opportunity to champion causes of particular import or interest to them.

The greatest legislative influence of Private Members is probably exercised indirectly, however. Speeches during debate on a government bill or representations made during the daily Question Period seek to persuade the Cabinet to move in directions advocated by individual MPs. The party caucus may also serve as a forum for indirectly influencing government policy.



Individual Members may also attempt to influence policy-makers privately. Members may telephone, write, or talk to Ministers and senior officials privately to discuss their policy concerns in the hope of persuading the government to change existing or proposed legislation.

Finally, MPs may influence government policy indirectly through recourse to the press. Public championing of specific alternative policy options by MPs - if it is successful - may serve to foster a public mood hostile to proposed or current government legislation.

This theoretical understanding of the Member's role needs to be qualified however. Party discipline, for example, constitutes an important limitation on the influence of individual MPs. As one former MP has noted,

The most important constraint on the role of the private Member is his party affiliation ... I cannot emphasize this point too much. Members are conscious that they entered the House as party members. This fact is part of the environment of politics. It limits what role a backbencher can envisage for himself.(1)

Government Members are unlikely to break party ranks to vote against government policy and Opposition parties are anxious to appear united, frowning on public dissent by Members.

Parliament is an imperfect instrument. Its Members subject to the stresses of demanding work for thousands of voters under the constraints of tight schedules. Thus it is naive to expect that an MP's legislative tasks will always be satisfying exercises in statesmanship. The MP learns to use Parliamentary mechanisms to bring about optimum results from a system necessarily founded on a compromise. Committees, valuable sounding boards on which to test public and expert reaction to proposed

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(1) John Reid, "The Backbencher and the Discharge of Legislative Responsibilities", Proceedings of the National Conference on the Legislative Process, University of Victoria, March 31-April 1, 1978.

measures, are such a mechanism. Unlikely to thwart government purposes, they are nonetheless a useful antidote to the ills of bureaucratic and executive secrecy.

The inadequacy of the private member's hour as a legislative vehicle for Members must also be underlined. In the first place, the track record of private members' legislation is abysmally poor - very little of it becomes law or even comes to a vote, and those private members' bills that are successful deal with non-controversial, perfunctory concerns.

#### SURVEILLANCE FUNCTION

In a parliamentary system of government, the executive's freedom to govern is necessarily balanced by its accountability to the legislature. Accountability is embodied, for example, in the traditional doctrines of individual and collective ministerial responsibility. If the public is to be protected from potential government arbitrariness and assured of wise spending, Parliament must carefully scrutinize government activity, a responsibility usually assumed by the Opposition parties.

Scrutiny of government spending is thus an important element of the MP's surveillance role. It takes several forms, notably the examination by MPs of departmental estimates in committee. They may question ministers and officials about departmental spending plans. If projected spending appears excessive, the committee report may propose reduction or elimination of specific expenditures.

Members of Parliament also play an important surveillance role in the post-audit stage of government expenditures on the occasion of the yearly report of the Auditor General to the House of Commons. Seizing upon his examples of government waste and inefficiency, Members often publicize the Auditor General's criticisms as well as voice their own in the House of Commons, House committees and through the press.



A further examination of the government's spending policy is provided during the budget debate which consists of six days of discussion (not necessarily consecutive) of the government's taxation and general financial policy, following the Budget Speech of the Minister of Finance. Given that the rules of procedure are relaxed in the course of the Budget debate, MPs are afforded a freer and more informal forum in which to interrogate the government about budgetary policy.

Another special debate - albeit not confined to budgetary matters alone - occurs following the Speech from the Throne in which the government outlines its major legislative initiatives for the upcoming session of Parliament. The Throne Speech Debate consists of six consecutive days during which MPs may question the government's proposed legislative package.

Apart from the Budget and Throne Speech debates, opposition parties also have at their disposal 25 so-called "allotted days" during which they may debate any element of the government's proposed spending plans. These 25 days, divided into three supply periods, were initially intended to compensate opposition parties for debating time lost after the major reorganization of Supply proceedings - and the abolition of the Committee of Supply - in 1968. Theoretically, this means of surveillance is further reinforced by the fact that motions of non-confidence, challenging the continued viability of the government, may be raised six times during the parliamentary year. Because two such motions are allotted to each supply period they are a potential and continued threat to the party in office.

The Commons committee system also provides for surveillance of government activity by Members of Parliament. In committee Members may propose amendments but not change the principle of a bill, already approved in the House at second reading. This process gives the MP two important advantages. In the first place, Members may interrogate departmental officials and Ministers directly and informally. Secondly, their right to summon appropriate "persons, papers and records" under Standing Order 65(8) permits Members to hear briefs and solicit the views of various desired witnesses. Ideally, then, Members are enabled to examine government legislation from a well-informed vantage point.

The most celebrated forum in which Members exercise their surveillance function is the daily Question Period. In the few minutes immediately before Question Period, however, Members may attempt to chastise government action or inaction by making, under Standing Order 21, a statement of import to the MP and his riding. During the Question Period itself, Members may interrogate Ministers about alleged cases of mismanagement of public funds or any area of perceived government bungling.

Members' ability to "keep the government in check" is not boundless. It's hard to critically assess projected government spending, for example, if one lacks technical expertise, or is faced with complex departmental spending programs. House committees studying government estimates are empowered only to approve or suggest decreases in specific appropriations not to shift government priorities. Such committees "work under the axe" - they must report by May 31st of the fiscal year or their reports are simply "deemed" to have been made.

"Delegated legislation", i.e. Orders in Council and other Regulations having force of law because Parliament delegated to Cabinet, departments, boards and public servants the authority to sanction them, may hinder effective performance of the MP's surveillance role. Hehner comments:

Most people still think that Parliament makes the laws except for small details; that public servants just administer; and that those exercising delegated discretions are accountable for their actions in fact as well as in theory to the elected representatives of the people. In fact, the rule of law as we knew it until World War II has just about gone and effective accountability to Parliament has been lost over a wide area of governmental activity.(1)

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(1) Hehner, Eric, "Growth of Discretions - Decline of Accountability", Public Administration in Canada, K. Kernaghan, ed., 4th edition, 1982, p. 309.

## LEGITIMATION FUNCTION

The last function of the Member of Parliament is that of "legitimation". No political system not maintained by coercion can long survive without the consent of its citizens. Unless they accept it as legitimate, such a system is inherently unstable. Citizens of a democratic country like Canada respect its laws as the product of a political system they support and perceive as just. Because dissenters accept the generally perceived legitimate nature of the lawmaking process, they (normally) willingly acquiesce in the face of majority opposition out of respect for, and support of, the overall political system.

Conventional legal wisdom posits that justice must not only be done but must also be seen to be done. Similarly the exercise of government should take place in public. MPs play a valuable part in enhancing the perceived legitimacy of the policy process. To the extent that Canadians perceive that their varied interests are truly represented in the House of Commons - and duly considered by the government before it formulates legislation - they are likely both to perceive the House of Commons as a legitimate forum for the making of public policy as well as to acknowledge the legitimacy of subsequent government legislation.

Another means by which the MP legitimizes the policy process is through voting. In the same way, Members' participation in Question Period, House debates, and committee proceedings all attest to their overriding faith in the policy process.

There are however, occasions when parties "play politics" with sensitive public issues thereby arousing public cynicism towards the policy process and its participants. The long tradition of strong partisan discipline in Canada may preclude serious discussion of important issues among political parties. Government members may feel compelled to praise government action which opposition parties feel compelled to denounce. When the positions taken by individual MPs on issues of concern are effectively staked out in advance by the dictates of party discipline, the credibility of MPs as seriously committed supporters or opponents of specific policies may be compromised.



The frequently acrimonious nature of debate in the House of Commons may also serve to undermine members' stature, there being a temptation for MPs to "play to the gallery" thereby exaggerating the apparent tension of debates.

## CONCLUSION

It has been fashionable of late to bemoan the decline of Parliament's influence and that of MPs. Former Prime Minister Trudeau's talent for the arresting phrase led him to say that MPs were "nobodies" once they were 50 yards from Parliament Hill. Another former Member, James Gillies, professor of policy at York University's School of Business Administration, says that's not so. He told the Special Committee on Reform of Parliament that "they're nobodies when they are in the House of Commons". (17 April 1985).

A balanced view suggests that both were wrong. It appears that if we did not have Parliament, in spite of its defects, we would have to invent it. The real value of the institution and of its Members has been well described as follows:

A vigorous opposition in parliament can be the chief bulwark against the temptation to 'force majeure' and bureaucratic empire. "The people" speak through the "loyal opposition" as well as the government, through back-benchers as well as Cabinet ministers. There is simply no substitute for the "checks and balances" brought into play in the representative and watchdog functions performed by ordinary Members of Parliament. Just as members of the upper house are expected to act as a chamber of "sober second thought" as well as a guarantor of minority rights and sectional interests, so, too, members of the opposition in the lower house are called upon to act as a brake on government haste, to ensure that all legislation receives the "due process" of parliamentary deliberation, and to see that diverse and opposing points of view have a chance to be aired and defended.<sup>(1)</sup>

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(1) Schmitz G., The Role of the Opposition in a Parliamentary System, (BP-47E) Research Branch, Library of Parliament, August 1982.

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